

Frequently Asked Questions for New Vermont Afterschool Program (ASP) Rules – Revised 4/12/2016

[Access to new ASP Rules](#)
[Qualifications](#)
[Staffing Requirements](#)

[Staff Files](#)
[Group/Size and Ratios](#)
[Buddy System](#)

[Miscellaneous Questions](#)

Questions

Access to new ASP Rules

How do I access the new ASP Rules online?

- The new ASP Rules are available on the Child Development Division's (CDD) website (<http://dcf.vermont.gov/cdd>). In the middle of the Home Page, you would select "Laws & Regulations." As you scroll down, under "Licensing" you will want to select "Approved Afterschool Child Care Programs Regulations - effective 1/1/2016" which will be the full set of the new ASP Rules.
- Or you may use this link:
http://dcf.vermont.gov/sites/dcf/files/CDD/Docs/Licensing/Afterschool_Child_Care_Programs_Regulations_Effective_1.1.2016.pdf

Qualifications

Does my existing Staff need variances to continue to qualify for their same position if they don't meet the new qualifications? The answer depends on time and staffing.

- Answer: Not right now – ASP Rule 1.1 provides current Staff one year (until 1/1/2017) to obtain the education required to meet new qualifications in the rules in section 5 of the ASP Regulations. By 1/1/2017, all staff is expected to meet new qualifications. (Note: Remember that any new Staff hired after 1/1/2016 are required to meet qualifications outlined in the rules in section 5 of the ASP Regulations upon being hired.)
- Answer: Maybe not – Existing staff who have not met qualifications as required in ASP Rule 5.4 by 1/1/2017 may be used as Aides. Aides (18 years of age or older) may count as Staff in staff: child ratio (see ASP Rule 6.5 and ASP Definition 2.47) and may be left alone with children (see ASP Rules 5.5.b. and 6.6). Please be aware that ASP Rule 5.5.b. also has a limit for the number of Aides. This rule says that there may only be 2 Aides (16 years of age or older) per each adult Staff member present in the program.
- Answer: Yes – As 1/1/2017 approaches, CDD will entertain variance requests in unique situations in which a Staff member (employed prior to 1/1/2016) needs a short extension beyond 1/1/2017 to finish educational requirements and when this Staff member may not be used as an Aide while finishing his/her education (due to the number of Staff and of Aides already in the program or due to the Staff member

Frequently Asked Questions for New Vermont Afterschool Program (ASP) Rules – Revised 4/12/2016

holding the position of Site Director or Program Administrator). These variance requests will need to include documentation of how the Staff met the former qualifications, what she/he has done over the past year to obtain the needed education, an explanation of the barrier prompting the variance request, and the details regarding the final steps to be completed to include dates of completion for each final step. For further guidance on how to enter a variance:

http://dcf.vermont.gov/sites/dcf/files/CDD/Docs/BFIS_Variance.pdf

How will staff qualifications be assessed during a compliance visit and what do I need to do to ensure compliance?

- During a licensing visit between now and 1/1/2017, Licensers will use each employee's start date to assess qualifications. (Note: ASP Rule 5.16 requires start dates to be recorded in files.) First, licensing would determine whether an employee began employment after 1/1/2016 and if they did, compliance will be assessed to meet qualifications in ASP Section 5. Then, licensing would identify staff employed prior to 1/1/2016. For these staff members, a review of whether they meet qualifications in ASP Section 5 will be completed. In the event that a staff member doesn't meet qualifications, this information will be reviewed with the Director and/or Licensee during the debriefing.
- You should review all of your Staff's qualifications, determine how they meet qualifications, and implement a system for monitoring Staff's progress for those who need to complete education to meet qualifications.

Will my Site Director and/or Program Administrator meet qualifications with the Vermont On-The-Job Training Certificate?

- No, ASP Rule 5.1 for Program Administrators does not allow for the Vermont On-The-Job Training Certificate to be used to meet the qualifications.
- Yes, ASP Rule 5.2 for Site Directors does allow for the Vermont On-The-Job Training Certificate to be used to meet the qualifications.

When the rule for qualifications just says "degree," does this mean any degree? Yes, a degree in any subject is accepted to meet the qualifications in the rules in ASP Section 5. The only criteria are the type of degree: Masters, Bachelor, or Associate's Degree.

If a Program Administrator or Site Director meets the qualifications in ASP Rules 5.1 and/or 5.2, may they serve in these roles for a program of any capacity? Yes, because there is no ASP Rule that says otherwise.

Why are there two ASP Rules (5.3 and 5.4) for Staff?

- ASP Rule 5.3 applies to staff within their first year of employment.

Frequently Asked Questions for New Vermont Afterschool Program (ASP) Rules – Revised 4/12/2016

- ASP Rule 5.4 applies to staff who has been employed with the program for over one year.

How do I know what is required for staff to achieve the various options in ASP Rule 5.4? Please contact Northern Lights Career Development Center (NLCDC) (<http://northernlightscdc.org/>) and Vermont Afterschool (<http://www.vermontafterschool.org/>) to assist and/or guide you with this. They will be able to explain the various qualifications such as Vermont Afterschool Foundations Certificate versus Vermont On-the-Job Training Certificate.

How do I obtain my VT Afterschool Foundations Certificate, VT Director Credential, and etcetera?

- NLCDC (<http://northernlightscdc.org/>) processes Vermont certificates and credentials. To apply for a Vermont certificate or credential, submit an application for the desired certificate or credential to NLCDC.
- Vermont Agency of Education issues Vermont Teacher Licensure.

What is the availability of professional development opportunities? Trainings can be found on the Bright Futures Information System Course Calendar (<http://brightfutures.vermont.gov/>), additional resources include Vermont Afterschool (<http://www.vermontafterschool.org/>), VNL (<http://northernlightscdc.org/>), and your local Community Child Care Support Agency (<http://dcf.vermont.gov/partners/cccsa>). Contact each organization to learn more about the availability of professional development opportunities.

Staffing Requirements

How do I know which staff may count as staff in staff: child ratio?

- ASP Rule 6.5 states that staff may be counted when they are working directly with children. ASP Definition 2.47 for “Staff” only includes Administrators, Site Directors, Program Staff, Aides, and Substitutes.

What else do I need to understand about staff: child ratio?

- Volunteers, Youth Volunteers or Leaders-In-Training, and Activity Specialists are not included in the definition of “Staff” in ASP Rule 2.47 and may NOT count as staff in determining the staff: child ratio.
- ASP Rule 5.24.b. Volunteers who are 13, 14, and 15 years of age are required to be counted as children in staff: child ratio.

Who may be left alone with children?

- ASP Rule 5.10 states Administrators, Site Directors, Program Staff, and Substitutes may be left alone with children.

Frequently Asked Questions for New Vermont Afterschool Program (ASP) Rules – Revised 4/12/2016

- Please note: ASP Rules 5.5.b. and 6.6 do not prevent Aides who are 18 years of age or older from being left alone with children. This means they may be left alone with children.

Who may NOT be left alone with children?

- ASP Rule 6.6 states that Aides who are 16 and 17 years of age may NOT be out of eyesight or earshot of an on-duty Program Staff, Site Director, or Program Administrator. This means they may not be left alone with children.
- ASP Rules 5.7.b. and 5.24 state that Volunteers may NOT be left alone with children. Because ASP Rule 5.24 states “all volunteers,” this means that Youth Volunteers or Leaders-In-Training may NOT be left alone with children too.
- ASP Rule 5.9.c. states that Activity Specialists may NOT be left alone with children.

May I continue to have just a Site Director only for my program? No, ASP Rule 5.19 requires each program have a Program Administrator and makes the addition of a Site Director optional. Your Site Director may be named the Program Administrator and has until 1/1/2017 to meet qualifications per ASP Rule 1.1. Programs who have a Program Administrator who is responsible for more than one site will need to also have a Site Director to maintain compliance with ASP Rule 5.18 which requires someone meeting Program Administrator or Site Director qualifications being present more than 50% of the time.

Is my program limited as to how many Volunteers or Aides we may have present at one time?

- Volunteers: ASP Rule 5.24 does limit the number of volunteers per staff to a one to one ratio. This means if you have one staff member you may only have one volunteer.
- Aides: ASP Rule 5.5.b. does limit the number of aides per adult staff to a two to one ratio. This means if you have one adult staff member you may have one to two aides.

Staff Files

Are references still required? No.

Is a copy of the affidavit needed in each person's staff file?

- ASP Rule 5.17 is only an option for licensees that operate multiple licenses and for licensees who are a school or school district. Please be mindful that the required affidavit must list each staff person's name who is currently employed at the licensed afterschool program. When new staff are hired, a new affidavit is required or a complete file is required (per ASP Rule 5.16) to be on site. By definition (ASP Rule 2.47), staff includes substitutes. So you may include substitutes in the affidavit or have a complete file on site.

Frequently Asked Questions for New Vermont Afterschool Program (ASP) Rules – Revised 4/12/2016

- A copy of the affidavit is not required in each person's staff file. When a Licenser requests to review staff files and documentation, the copy of this affidavit may be provided in lieu of documentation required in ASP Rule 5.16.
- Please be mindful that Licensers still do need to assess staff's qualifications. This may be accomplished by Licensers asking each staff about their qualifications, a copy of clear documentation as to how each staff member meets qualifications being on site, or by staff submitting to NLCDC their documentation regarding qualifications which will be uploaded into their BFIS Quality and Credential Accounts.

Our program is a seasonal program which only operates in the summer, what do we use for a start date for our staff? ASP Rule 5.16 requires the start date for staff be documented. This means the date at which time the employee was originally hired. If a staff member is returning for a second, third, etcetera season; their start date remains the same. CDD uses the original start date to determine compliance with qualifications such as ASP Rule 5.4, to determine compliance to professional development rules in ASP Section 5 under Staff Development, and etcetera.

Group/Size and Ratios

Is there any specific ratio for kindergarten children? No, ASP Rule 6.3 sets a 1:13 adult: child ratio for all children regardless of age.

May one staff member be present alone in my program with 9 or less children?

- Yes. ASP Rule 6.3 states that a second Staff member available on site is not required until the 10th child arrives.
- Please be mindful that ASP Rule 6.3 also states that the second staff person must be in immediate proximity in the event of an emergency. There are many emergencies in which distance may prevent assistance. For example, if staff are too far away from one another in the event of a fire; the fire may prevent the second staff member from assisting with the evacuation of children. The element of safety in emergency situations is the focus within this rule. As such, immediate proximity is meant that the two staff members are close enough to one another that they are able to use a talking voice without the assistance of radios, walkie talkies, phones, etcetera to ask for assistance.

How do I know if I am in compliance with the group size requirement that now applies to children of all ages?

- Under the former ASP Regulations, a group size requirement only applied to kindergarten age children. In the new ASP Rule 6.2, there is a requirement that all children be in a group no larger than 26 children.
- It will be helpful for you to first review ASP Definition 2.25 for "group." The definition identifies the key parts: 1) meet together regularly, 2) identify with one another as a

Frequently Asked Questions for New Vermont Afterschool Program (ASP) Rules – Revised 4/12/2016

group (separate from the larger group), and 3) are assigned to a staff member or team of staff members.

- The first two key parts (meet together regularly and identify with one another as a group) are interconnected. If the group does not meet together regularly, then the children will not recognize themselves as a separate group from the larger group of all children in the program. When thinking about whether your program is in compliance with group size, ask yourself when and how each group meets regularly. Then ask yourself whether the children would recognize themselves as being a group within the larger program. It may also be helpful to think about how an outsider may be able to observe that different groups exist within the program.
- The third key part (assigned to a staff member or team of staff members) is about the concept of having a primary caregiver. Children need to have that person they know is there for them and knows them best. Bonding and supportive relationships are critical to children's development. This requires a deeper connection than "all staff knowing all children" in a program. By having a primary caregiver, research shows improved development and fewer behavioral challenges. For children who have experienced trauma in one form or another, this becomes even more critical for them to recover, become resilient and continue to develop. In addition, the primary caregiver would be able to more easily answer a parent's questions about their child's day and share important information about a child with other staff.
- There are a variety of ways in which programs operate in compliance with group size. For example, you may have a group of 26 children and two staff or you may decide it is easier to establish a group as 13 children and one staff. Either way is in compliance with group size.
- A common misperception is that group size means that each group has to have their own classroom. Groups may come together outside and/or within a large gymnasium or cafeteria sharing common spaces (i.e.: outside play or meal/snack times).
- Another common misperception is that children have to remain in their assigned group with their assigned teacher the whole day. One example of a routine that is in compliance with group size:
 - Greeting time with children sitting with their assigned group
 - Children sit with their assigned group at snack time
 - Groups with older children have home work time while groups with younger children have outside time / after a designated period of time the assigned groups flip and the assigned groups with younger children have homework, reading, and/or story time and the assigned groups of older children have outside time.
 - Specials/planned small group activities (the children may choose any special or small group activity with different children and staff other than the staff assigned to their group)

Frequently Asked Questions for New Vermont Afterschool Program (ASP) Rules – Revised 4/12/2016

While this example may be of interest to you and your program, other programs may find that this example doesn't fit the philosophy of their program. CDD is not prescribing how compliance is achieved so please feel free to discuss with staff and develop a routine that works for your program. The key parts of the definition of group are what licensers will be using to assess compliance to group size.

- Sometimes after discussing this with your staff and developing a plan, you may want to call either the Licenser on Duty Line (800-649-2642 option 3) or the licenser for your area to share your plan and receive feedback. Please feel free to use these licensing resources any time.

Buddy System Supervision

When might the buddy system for supervision be used?

- It is important to remember that the buddy system is an option to be used when and if the staff or the program deems appropriate and only for those children in which the staff are sure are able to handle the responsibility. ASP Rule 7.2 is not required to be used in programs.
- If children are outside playing during pick up and parents have arrived inside the classroom, children may be sent inside using the buddy system. Staff would need a means to communicate with one another to confirm the children have arrived inside as planned.
- Children may use the buddy system to get a drink of water from a water fountain in the hallway.
- The buddy system may be used to allow children to set up snack or prep for an activity while a staff member goes to retrieve materials from another room and the rest of the children and staff are outside or in another room engaged in another activity.
- Children may be asked to retrieve a first aid kit from another classroom to assist staff and an injured child.
- Staff may use the buddy system to have children bring something from one classroom to another classroom per a fellow staff member's request.
- Children may use the buddy system to put things in/get things from their backpacks in the hallway outside the classroom.

Do children have to return to the original group within the 10-minute timeframe or can they join a second group? ASP Rule 7.3 states that the staff person who gave the permission for children to use the buddy system is required to ensure these children have returned within the 10-minute timeframe. This may include direct communication (i.e.: walkie talkie, phone, radio, etcetera) with a staff member receiving the children to confirm the children have arrived.

What factors should we consider when deciding if it is appropriate or safe to use ASP Rule 7.2?

- The "buddy system" is when children go with a buddy which means 2 children.

Frequently Asked Questions for New Vermont Afterschool Program (ASP) Rules – Revised 4/12/2016

- Staff should only allow children to use the buddy system if they know the children well enough to determine that children are able to handle this responsibility. ASP Definition 2.49 states that staff is able to account for the whereabouts and activity of children. If a child is known to be unpredictable, to not follow directions, or to not always make safe/appropriate choices; then the buddy system should not be used with this child.
- ASP Definition 2.49 also requires staff to be in proximity to intervene. It is important to be mindful of the distance of separation between staff and the children using the buddy system. The larger the distance the children are from staff, the higher the level of risk of harm for the children who are separated from staff especially in an emergency situation (i.e.: armed intruder, fire, and etcetera).
- The buddy system shouldn't be used to make one child responsible for another child. For example, Suzie is known to wander and she would like a drink of water from the water fountain. Staff should not ask Sally to go with Suzie because Sally is known to be reliable and trustworthy. This would be an inappropriate use of the buddy system. The buddy system should always be used for children that have demonstrated an ability to manage their own choices and behaviors appropriately.
- CDD receives multiple complaints each year in which child on child sexualized play or exploration occurs among children of all ages especially including school age children. Boys and girls are equally identified in these instances. This may occur because a child is confused due to having experienced sexual abuse, because children are curious, because children haven't learned appropriate boundaries or about privacy, etcetera. A secluded bathroom is a prime location for this type of play or exploration to occur. It is not recommended that the buddy system be used for children using the bathroom without direct adult supervision.
- ASP Rule 7.2 limits the use of the buddy system for supervision to the licensed space. This includes the outside and inside licensed space. Be mindful when the licensed space is embedded within a building which is used by others for other functions or activities too. This increases the potential risk for children and use of the buddy system should be carefully considered.

Miscellaneous Questions

Is going inside okay for access to drinking water? ASP Rule 13.4 states that drinking water is required to be readily available. How drinking water is readily available will differ from program to program.

- One program's outside space may be far enough removed from an inside water fountain that it is necessary for children to have water bottles (or a pitcher of water with paper cups) outside for compliance to be achieved.
- Another program's outside space may be directly beside the entrance of the building and the water fountain is just inside the door of the building making it not necessary for water to be brought outside.

Frequently Asked Questions for New Vermont Afterschool Program (ASP) Rules – Revised 4/12/2016

- Water bottles provided by parents, a pitcher with paper cups, or a stack of cups available at all times for children to use at the water fountain are options to ensure compliance with this rule.
- Signs of non-compliance:
 - Staff are heard telling children they have to wait to get a drink of water, or staff are heard telling children that they just had a drink so they are fine or can wait.
 - A hot day, children sweating, no water outside, and no one providing water breaks or no children drinking water.
 - Discipline issues are occurring or supervision is compromised because Staff are constantly bringing children inside for water.
 - Children are observed not drinking; no drink is provided during snack; and if children want more than a drink from a nearby water fountain, they have to ask.

Has the attendance documentation process changed?

- Yes, ASP Rule 4.4 states that the time each child arrives and the time each child leaves the program be documented. This is a change from the former rule that required a check in and out process. This new rule does require the time to be documented.
- Also, ASP Rule 4.5 requires that programs have a system for always accounting for the whereabouts of children within the program. Some programs have achieved compliance by using a magnetic board with columns that are labeled with locations or activities and a magnet for each child (child's name is on their magnet). Children move their magnet when they are leaving the classroom to go outside, participate in a special, etcetera. A variation of this is a poster board with children's name on Velcro strips.